GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA

STARRED QUESTION NO:39
ANSWERED ON:21.11.2000
MISUSE OF ANTICIPATORY BAIL
RAM TAHAL CHOUDHARY

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Government are aware of the misuse of the provision of anticipatory bail in the Criminal Procedure Code by the criminals; and

(b) if so, the measures proposed to be taken by the Government in this regard?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (I.D. SWAMI)

(a)&(b) : A statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PARTS (a) AND (b) OF THE LOK SABHA STARRED QUESTION NO. 39 F(21.11.2000.

(a)& (b): In the case of Balchand Jain Vs. State of M.P. AIR 1977 SC 366, the Supreme Court of India has laid down that the powe under section 438 of the code of Criminal Procedure is of an extraordinary character and must be exercised sparingly and in exceptional cases only. However, this matter falls exclusively within the purview of the judiciary.